IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 1794

In re

Patent Application of

James P. Peterson

Serial No. 10/606,504

Filed: June 26, 2003

Confirmation No. 5220

Examiner: Betelhem Shewareged

"NAME BADGE WITH DIGITALLY PRODUCED IMAGE THEREON"

DECLARATION OF JAMES P. PETERSON UNDER 37 C.F.R. §1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, James P. Peterson, declare as follows:

1. I am the President of Contemporary, Inc. (hereafter "Contemporary"), which conducts business relating to, among other things, badges and labels, and am the sole inventor of the name badge with a digitally produced image thereon disclosed and claimed in the present application (hereafter "Name Badge").

2. I have worked at Contemporary, Inc. since 1979 and during this time I have been involved in the development of at least 25 products relating to badges, labels, etc., been listed as an inventor in at least four (4) patents, and am currently listed as an inventor in several currently pending patent applications.

3. I have two Bachelor of Science degrees, one in Computer Science and another in Marketing, from Northern Illinois University.

4. I have reviewed currently pending claims 38-46 and recognize that claims 38-46 recite "providing a card" and "providing a card printer."

5. I have also reviewed U.S. Patent Nos. 5,979,941 ("Mosher, Jr.") and 4,583,766 ("Wessel") (hereinafter, collectively referred to as the "Cited References"), and submit that the Cited References do not disclose a card and a card printer as claimed. Instead, Mosher, Jr. only discloses "printed by conventional printing means" in column 3, line 39 and "a printer" in column 6, line 10. These brief citations about printing means do not disclose cards and card printers. Also, based on the identification and information system disclosed in Mosher, Jr., I believe the most appropriate type of printer that would qualify as "conventional printing means" for the Mosher, Jr. system would be a laser jet printer or dot-matrix printer, not a card printer as contended by the Examiner.

6. I submit that: 1) a functional and structural difference exists between various types of printing means (i.e., between laser jet printers or other conventional printing means and card printers); 2) I appreciate the terms "card" and "card printer" as having meaning in the badge forming arts; and 3) understand that the terms "card" and "card printer" are not interchangeable with other types of printing substrate and printers. In practice, a card cannot be fed through a laser jet printer and, similarly, a piece of paper or substrate feedable through a laser jet printer cannot be fed through a card printer. Card printers are designed to receive cards and laser printers are designed to receive sheets of paper. In other words, each type of printer is designed to receive a particular type of substrate. Reference is made to Exhibit A filed herewith which includes a specification of a card printer. From the card printer specification, one can clearly ascertain that a card and a card printer are substantially different from paper and laser jet printers or other types of printing substrates and printers.

7. Accordingly, I do not agree with the Examiner's rejection of the claim limitations of "card" and "card printer" in view of Mosher, Jr.

8. I will now address the Examiner's statements on page 3, 1st ¶, and, more particularly to: "(2) it would be the Office's position that the application contains inadequate disclosure that there is no teaching as to how to obtain the claimed properties with only the claimed ingredients." I disagree with this position taken by the "Office." More particularly, with my experience in the badge making art, I can ascertain from the disclosure of the present application that a "card" and a "card printer" as claimed are disclosed and are clearly understood by me and others in the art to have the characteristics I have set forth above. Also, I understand that a card and a card printer are a particular type of substrate and printer including the features I set forth above without requiring further information or specifications about the substrate or printer. It would seem from the Examiner's rejections that the Examiner believes the present application should include more description relating to the card and card printer. I, however, disagree with the Examiner's position. If you are one who is involved in the business of badge making, you would clearly understand what a "card" and a "card printer" are and the features associated therewith. Accordingly, I would not require any further information other than the names "card" and "card printer." As an example to accentuate this point, if someone was claiming a screw, this person would not be required to explain the screw in great detail within the body of the application in order to claim it and for it to receive its ordinary meaning in the art. Plus, the limitation "screw" would not be rejected by a "staple" since those of ordinary skill in the art of fasteners understood that a staple is not a screw. Likewise, those of ordinary skill in the art of badge making understand that a laser jet printer is not a card printer and a sheet of paper is not a card.

9. I can understand how a person who is not of ordinary skill in the art of badge making would not appreciate these distinctions between a card printer and a laser jet printer or any other conventional printer, and, accordingly, that is why I am submitting this Declaration.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

April 1, 2008
Dated

James P. Peterson

EXHIBIT A

Datacard®
SP35 Card Printer

The bold new look of value-priced card printing

The Datacard® SP35 card printer delivers an unbeatable combination of high performance and low cost for low-volume card programs. It is like nothing you have seen before for issuing ID cards, gift and loyalty cards, membership cards, hotel room keys and more.

The SP35 card printer gives you fast print speeds, superb image quality and simple operation at a value price. Good looks and a compact size make the printer a welcomed addition to any desktop. If you recognize how plastic cards can benefit your operation, but have been waiting for printers to come down in price, size and complexity, your moment has arrived.

Excellent productivity from a small footprint

The SP35 card printer personalizes up to 120 full-color cards and up to 500 one-color cards per hour. Despite its fast operation, this attractive printer weighs less than nine pounds and is easily transportable, letting you print cards in confined workspaces. A standard USB connection makes installations fast and simple at any location.

The Datacard® SP35 card printer offers the ideal mix of speed and simplicity in an attractive, compact, value-priced design.

Superb, edge-to-edge imaging

The SP35 card printer leverages Datacard's exclusive Advanced Imaging Technology™ to produce vivid, life-like full- or one-color photos, graphics and text across a card's entire surface. The technology uses optimized print ribbons and user-adjustable controls to yield smooth, uniform solid backgrounds, improved color matching with image capture devices, enhanced bar code printing and sharp reproduction of edges and fine text.

Optional magnetic stripe and smart card capabilities

In addition to standard bar code printing, the SP35 card printer gives you optional magnetic stripe and integrated smart card capabilities, including contactless smart cards, with a simple field upgrade. These technologies can make your cards compatible with access control and other automated systems across your enterprise, creating new opportunities to increase security and efficiency. You can also purchase multiple printers now, knowing you can always upgrade to magnetic stripes and smart cards in the future.

So simple to use, so affordable to own

The SP35 card printer is designed so you can begin using its robust features immediately. A "smart" printer driver provides all the information you need on-screen, including message prompts, recovery instructions, color image previews and Online Help. The SP35 card printer driver is available for the popular Windows® 98, 2000, Me and XP operating systems. Quick-change supplies, operator-replaceable printheads, front-facing input and output hoppers and continuous card cleaning help maximize uptime and ensure a low cost of ownership.

Extensive warranty coverage

Datacard backs the SP35 card printer with aggressive printer and printhead warranties. Standard printer coverage includes 18 months of standard depot service on all parts and labor. We also honor printhead warranty coverage for 18 months, with no pass restrictions and no prorating of printhead replacement costs.

Exclusive ribbons maximize printer performance

The SP35 card printer features Datacard® proprietary ribbons designed specifically for the SP35 card printer. When the printer recognizes that a Datacard® ribbon is installed, all enhanced product features are enabled and successful card printing can begin. The printer will only print color images when Datacard® proprietary color ribbons are installed. Datacard is your exclusive source for proprietary ribbons for the SP35 card printer.

DatacardGroup

Datacard® SP35 Card Printer

Expert service through planning, implementation and maintenance

Datacard is committed to providing outstanding support for all its solutions, no matter where they are installed around the globe. Our network of service specialists provides support in more than 120 countries worldwide. Our comprehensive professional service offerings include smart card planning and consulting, integration and customization, card issuance, program management, implementation planning, onsite installation, software support and training. These offerings extend beyond traditional hardware services to provide complete turnkey services for our customers.

Your best choice for supplies

Protect your investment in Datacard® solutions by only using Datacard® Certified Supplies. You can count on Datacard for all of your supplies needs. We engineer superior performance and unwavering reliability into every system-matched supply item we offer. For you, that means smooth, printing, brilliant image quality, high security and exceptional performance. Worldwide representation creates a fast, direct connection with the supplies and support you need, when and where you need them. To ensure you are using Datacard Certified Supplies, look for ribbons that feature our distinctive and exclusive *blue* cores.

Standard features

- Windows® 98, 2000, Me and XP printer drivers
- One-sided, edge-to-edge printing
- Printer pooling (Windows® 2000 and XP only)
- Operator-replaceable printhead
- Continuous cleaning roller
- Advanced Imaging Technology™
- "Smart" printer driver
- 100-card, front-facing input hopper—0.030 in. (0.76mm) card thickness
- 20-card, front-facing output hopper—0.030 in. (0.76mm) card thickness
- Automatic card feeding
- Easy-access components, including quick-change ribbon cartridges
- Highly accessible card path
- Audio and visual message prompts (bi-directional communication)
- Datacard® proprietary print ribbons
- Full-color or monochrome imaging
- Online help and user documentation
- 18-month depot printer warranty
- 18-month printhead warranty
  - No pass restrictions
  - No prorating of printhead costs

Options

- Full- or one-color printing
- Field-upgradeable magnetic stripe encoding (IAT or NTT)
- Field-upgradeable smart card personalization
  - Contact GCI 430 coupler
  - Contactless Micro 680 coupler
  - Contact/contactless GCI 430/680 couplers
  - Contact station
- Magnetic stripe encoding and smart card personalization
- Customized service plans
- Additional card cartridges
- Additional ribbon cartridges

Specifications

- Physical dimensions: 16.5 in. x 7.8 in. x 9.0 in. (419 mm x 198 mm x 229 mm)
- Weight: between 8 and 9 lbs. (3.6 kg and 4.1 kg), depending upon options
- Print capabilities:
  - Edge-to-edge printing
  - Continuous-tone, full-color or black-and-white photos
  - Alphanumeric text, logos, digitized signatures, fingerprints
  - Variety of bar codes
  - Background patterns
- Print resolution: 300 dpi
- Throughput:
  - Full-color printing: up to 120 cards per hour with YMCKT ribbon
  - One-color printing: up to 500 cards per hour with K ribbon
- Shade count: 256 shades
- Communications: USB
- Plastic cards accepted:
  - Size: 3.375 in. x 2.125 in. (85.7 mm x 54.0 mm)
  - Type: PVC with glossy laminate surface (other core materials with PVC overlaminates optional)
  - Thickness:
    - 0.01 in. x 0.05 in. (0.25 mm x 1.30 mm); with smart card module, accommodates most proximity cards
    - 0.02 in. x 0.03 in. (0.50 mm x 0.80 mm) with magnetic stripe or smart card module
    - Automatically adjusts to accommodate random card thicknesses
- Resident memory: 8 MB
- Supplies:
  - Datacard® proprietary print ribbons
  - YMCKT (three colors, true black and topcoat)
  - KT (true black with topcoat)
  - K (true black)
  - Various other colors
- Electrical requirements:
  - 100/120V, 50/60 Hz
  - 220/240V, 50/60 Hz
- Operating environment:
  - 60°F to 95°F (15°C to 35°C)
  - 20% to 80% non-condensing humidity
- Storage environment:
  - 5°F to 140°F (-15°C to 60°C)
  - 10% to 90% non-condensing humidity

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